Appl. No.: 09/675,281
Amdt. dated March 10, 2004
Reply to Office action of January 30, 2004

REMARKS/ARGUMENTS

Receipt of the Office Action dated January 30, 2004 is hereby acknowledged. In that Action the Examiner: 1) rejected claims 1-10, 14-17, 22-24 and 28 as allegedly anticipated by *Klimenko* (U.S. Patent No. 5,974,547); and 2) rejected claims 11-13, 18-21 and 25-27 as allegedly unpatentable over *Klimenko* in view of *Godse* (U.S. Patent No. 6,202,091).

With this Response, Applicants amend claims 1, 16, 17 and 22. Applicants respectfully submit that the pending claims are allowable over the art of record.

I.   EXAMINER INTERVIEW

The undersigned conducted a telephonic interview with Examiner Bruckart March 1, 2004. A set of proposed claim amendments was discussed (being previously faxed to the Examiner). Claims 1, 16 and 22 were discussed. The Examiner's *Klimenko* reference was discussed. The principal proposed amendments discussed were amendments directed to the management sub-system being part of the managed computer. The principal argument presented by the Applicant was the distinction between a remote server providing a boot program, and the management subsystem (being part of the managed computer) storing and providing a boot program. No agreements were reached.

II.   SECTION 102 & 103 REJECTIONS

A.   Claim 1

Claim 1 stands rejected as allegedly anticipated by *Klimenko*. Applicants amend claim 1 to make more clear that the management sub-system is part of the host computer system to distinguish *Klimenko's* server 50 (coupled to the client PC through a network). Further, Applicants add the transitional phrase "and then" to make more clear that the management sub-system stores the image of the bootable program to distinguish over *Klimenko's* NIC which may transitionally store portions of the image as the image moves through the NIC 360 to the RAM 332.

Klimenko is directed to a "technique for reliable network booting of an operating system to a client computer." *Klimenko* Title. In *Klimenko*, "the server stores an image of a client hard disk including the client O/S and desired

Appl. No.:   09/675,281
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applications." *Klimenko* Abstract. Booting a client computer consistent with the *Klimenko* disclosure may be viewed as a two-step process: first a connection is made between the computer to be booted and the server; and then an operating system is transferred from the server **to a RAM of the client PC.** As for establishing a connection to a server, *Klimenko* states:

> Each NIC also contains an internal read only memory 362 that stores boot code 364 ... . With the boot code stored in the NIC, as shown [in Figure 3], and read into the memory of the PC on power-up and executed, **the client PC establishes a network connection, through network 30 and connections 20 and 40, with remote server 50 for remotely booting of the client PC.**

Klimenko, Col. 7, lines 17-27 (emphasis added). Thus, while *Klimenko* may show a boot code on its NIC, this code does not boot the computer; rather, the boot code on the NIC merely establishes the network connection so that an operating system may be booted.

Once the network connection is established, an operating system image transfers from the server to the main memory of the client PC through the NIC.

> Next, as symbolized by line 442 [of Figure 4A], the PC will issue, through the NIC, a TFTP request ... to server 50 ... to download the boot file identified in the BootP reply packet. ... [The] TFTP server 402 will download the boot file to the client PC. **Once the boot file has been completely downloaded into RAM 332 (see FIG. 3)... . With the boot file (LANHD.IMG) residing, as symbolized by block 460, in the client PC and after the ACK packet is issued, the client PC will begin executing the boot file from the RAM 332 to implement the client hard disk emulation.**

Klimenko, Col. 11, lines 10-26 (emphasis added).

By contrast, claim 1 recites, "**a host computer comprising a management sub-system**, said management subsystem including a processor and memory; ... wherein said management sub-system is capable of receiving an image of a bootable program for the host computer ... **wherein said image is stored in the memory in said management sub-system**; and then wherein said host computer system loads said image during its boot cycle, and executes said image as part of its boot cycle." Neither *Klimenko's* server 50 nor

Appl. No.:   09/675,281
Amdt. dated March 10, 2004
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administrative PC 210 can be the claimed management subsystem because neither the server 50 nor the administrative PC 210 is part of the client PC 10. *Klimenko's* NIC 360 cannot be the claimed management subsystem as the NIC 360 does not store in its own memory "the image of a bootable program"; rather, *Klimenko's* NIC merely establishes a connection and acts as a conduit through which the bootable image is transferred to the client PC's memory. *Klimenko*, Col. 11, lines 10-26.

Based on the foregoing, Applicants respectfully submit that claim 1, and all claims which depend from claim 1 (claims 2-15), should be allowed.

B.   Claim 6

Claim 6 stands rejected as allegedly anticipated by *Klimenko*.

Claim 6 specifically recites, "wherein said management sub-system includes a network interface that enables said management sub-system to transmit and receive signals via a local area network." If *Klimenko's* NIC 360 is the claimed network interface (which Applicants do not admit), then *Klimenko* fails to teach the management sub-system. If *Klimenko's* NIC 360 is the claimed management sub-system (which Applicants do not admit), then *Klimenko* fails to teach the claimed network interface being part of the management sub-system.

Claim 6 is allowable for at least the same reasons as claim 1 from which it depends, as well as the additional limitation therein.

C.   Claim 16

Claim 16 stands rejected as allegedly anticipated by *Klimenko*. Applicants amend the "floppy drive" to read "disk drive" so as not to limit the claim to just floppy drive devices. This amendment finds support in the original specification page 12, lines 9-14. Further, Applicants amend claim 16 to make more clear that the management sub-system is part of the host computer to distinguish *Klimenko's* server 50 (coupled to the client PC through a network). Finally, Applicants remove the "for" terminology to ensure that 35 U.S.C. § 112, 6th paragraph, is not invoked.

Booting a client computer consistent with the *Klimenko* disclosure may be viewed as a two-step process: first, a connection is made between the computer

Appl. No.:   09/675,281
Amdt. dated March 10, 2004
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to be booted and the server using the "boot code" of the NIC (*Klimenko*, Col. 7, lines 17-27); and then an operating system is transferred from the server to a RAM through the NIC where it is used to boot the client PC (*Klimenko*, Col. 11, lines 10-26).

By contrast, the host computer system of claim 16 comprises a management sub-system. The management sub-system emulates a floppy drive, and the host computer system checks the management sub-system during each boot cycle to determine if the management sub-system comprises a bootable image. Neither *Klimenko's* server 50 nor administrative PC 210 can be the claimed management subsystem because neither the server 50 nor the administrative PC 210 is part of the client PC 10. *Klimenko's* NIC 360 cannot be the claimed management subsystem as the NIC 360 does not "emulate a floppy drive"; rather, *Klimenko's* NIC merely establishes a connection and acts as a conduit through which the boot image is transferred to the client PC's memory. *Klimenko*, Col. 11, lines 10-26

Based on the foregoing, Applicants respectfully submit that claim 16, and all claims which depend from claim 16 (claims 17-21), should be allowed. Applicants amend claim 17 to ensure that the only one of the listed items need be present for infringement, as opposed to at least one of each listed item.

D.   Claim 22

Claim 22 stands rejected as allegedly anticipated by *Klimenko*. Applicants amend claim 22 by removal of the "for" terminology to ensure that 35 U.S.C. § 112, 6th paragraph, is not invoked.

Claim 22 is directed to a "managed computer system." The managed computer system comprises "a management sub-system coupled to said system bus." Neither *Klimenko's* server 50 nor administrative PC 210 can be the claimed management subsystem because neither the server 50 nor the administrative PC 210 is part of the client PC 10. *Klimenko's* NIC 360 cannot be the claimed management sub-system as the NIC 360 does not store in its own memory "the image of a bootable program"; rather, *Klimenko's* NIC merely establishes a

Appl. No.: 09/675,281
Amdt. dated March 10, 2004
Reply to Office action of January 30, 2004

connection and acts as a conduit through which the boot image is transferred to the client PC's memory. *Klimenko*, Col. 11, lines 10-26.

Claim 22 further recites, "a network interface coupling said managed computer system to said remote management console." If *Klimenko's* NIC 360 is the claimed network interface (which Applicants do not admit), then *Klimenko* fails to teach the management sub-system. If *Klimenko's* NIC 360 is the claimed management sub-system (which Applicants do not admit), then *Klimenko* fails to teach the claimed network interface.

Based on the foregoing, Applicants respectfully submit that claim 22, and all claims which depend from claim 22 (claims 23-28), should be allowed.

III. CONCLUSION

Applicants respectfully request reconsideration and allowance of the pending claims. If the Examiner feels that a telephone conference would expedite the resolution of this case, he is respectfully requested to contact the undersigned.
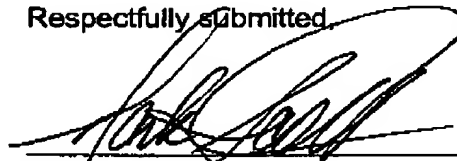
In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the prior art which have yet to be raised, but which may be raised in the future.

If any fees or time extensions are inadvertently omitted or if any fees have been overpaid, please appropriately charge or credit those fees to Hewlett-Packard Company Deposit Account Number 08-2025 and enter any time extension(s) necessary to prevent this case from being abandoned.

Appl. No.:   09/675,281
Amdt. dated March 10, 2004
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      Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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120876.01/1662.30100   Page 13 of 13